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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/726,394

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James F. Loughrey

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10/19/2004

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EXAMINER

LEE, WILSON

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,394

Applicant(s)

LOUGHREY, JAMES F.

Examiner

Wilson Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 12 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 11 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claims 11 and 12 are objected because of the following informalities:

Line 1 of each claim, "The self-contained" should be changed to --A self-contained--.

Claim Rejections – 35 U.S.C. 102 & 103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 27 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ference et al. (5,530,322).

Regarding Claim 11, Ference discloses a self-contained computerized variable intensity light controller (dimmer) comprising:

- at least two connectors (upper and lower output terminals connected to the load shown in Figure 5) adapted to provide power to at least two fluorescent light sources (each lighting load usually comprises several, and often many, individual lamps of fluorescent) (See Col. 7, lines 1-12);

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- a power source connector (the input terminal connected to the AC line) for connecting the light controller (dimmer) to a power source (AC Line);
- a computerized light control (MP) connected to, and integrated with, the power source connector for receiving power and connected to the connectors for providing power to the two connectors with using a filter, a phase-fired SCR, and an amplifier;
- the controller (dimmer shown in figures 5 and 1) is networkable (from serial data link) (dimmers 1-11 are in network being controlled by MUX' shown in Figure 1).
- the light control (MP) is adapted to send signals (to triac and diagnostic LED) and receive signals (from serial data link-MUX') (See Figure 5);
- and the received signals comprise commands to control the computerized light control (MP) (See Col. 11, lines 6-30 and Figure 5).

As discussed above, Ference discloses all the elements in the claim.

Although Ference discloses a choke in the circuit, however, the purpose of the existence of the choke is to attain the improvements of suppressing RFI and reducing audible noise (See col. 12, lines 52-52 and Col. 17, lines 1-2). Accordingly, Ference includes a better improvement over the claimed invention. Further, the disclosure does not describe any advantage by not using the choke, so as a filter, a phase-fired SCR, and an amplifier. It turns out the claimed invention does not create novelty over the prior arts. The obviousness for not using the choke is to reduce the cost of the invention.

Regarding Claim 27, Ference discloses a self-contained computerized variable intensity light controller comprising:

- at least two connectors (upper and lower output terminals connected to the load shown in Figure 5) adapted to provide power to at least two fluorescent light sources each lighting load usually comprises several, and often many, individual lamps of fluorescent) (See Col. 7, lines 1-12);
- a power source connector (the input terminal connected to the AC line) for connecting the light controller (dimmer) to a power source (AC line);
- a computerized light control (MP) connected to, and integrated with, the power source connector for receiving power and connected to the connectors for providing power to the at least two connectors without using a filter, a phase-fired SCR, and an amplifier.
- Wherein the controller (MP) is networkable with another of the controller (another MP of other dimmer) (See Figure 1).

As discussed above, Ference discloses all the elements in the claim.

Although Ference discloses a choke in the circuit, however, the purpose of the existence of the choke is to attain the improvements of suppressing RFI and reducing audible noise (See col. 12, lines 52-52 and Col. 17, lines 1-2). Accordingly, Ference includes a better improvement over the claimed invention. Further, the disclosure does not describe any advantage by not using the choke, so as a filter, a phase-fired SCR, and an amplifier. It turns out the claimed invention does not create novelty over the

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prior arts. The obviousness for not using the choke is to reduce the cost of the invention

Allowable subject matter

Claim 12 is allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not disclose the following limitation in the combination with the remaining elements in claim 12: said sent signals comprise commands to control another computerized light control.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Remarks

Due to an updated search, a new ground(s) of rejection is given based on a newly found reference.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be

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considered an official response must be clearly marked "DRAFT". The official fax number is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Wilson Lee", is written over a horizontal line.

Wilson Lee
Primary Examiner
U.S. Patent & Trademark Office

10/15/04